

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

**J.S by and through their next friends  
S.S. and E.S.,**

Plaintiff,

No. 6:21-cv-01430-MK

v.

**ORDER**

**EUGENE SCHOOL DISTRICT  
4J,**

Defendant.

---

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation (“F&R”) filed by Magistrate Judge Mustafa Kasubhai. ECF No. 52. Judge Kasubhai recommends that the ALJ’s final order be affirmed.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of

the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections, ECF No. 54, Defendant has filed a Response, ECF No. 56. With permission of the Court, Plaintiff has filed a Reply to Defendant’s Response. ECF No. 59. The Court has considered the F&R, the briefing, and the record and finds no error. The F&R is therefore ADOPTED and the final order of the ALJ is AFFIRMED.

It is so ORDERED and DATED this 19th day of July 2023.

/s/Ann Aiken  
ANN AIKEN  
United States District Judge